

REMARKS

This Reply is accompanied by a Request for Continued Examination to bring into effect by way of amendment, the decision of the Board of Patent Appeals & Interferences. Applicant has also made other clarifying amendments to the claims. All of the claim amendments are fully supported by the application as filed.

The Board held on page 5 of the decision, as follows:

6 We are unpersuaded by the Appellants' argument (Appeal Br. 8-9) that
7 Ballis fails to describe a predicted answer to a query. The Appellants
8 contend there is a distinction between a retrieved answer and a predicted
9 answer and that the cache in the claim is a predictor of what would be
10 retrieved. Reply Br. 2-3. We agree with the premise that an answer to be
11 retrieved is not a predicted answer, but we find that an answer that has been
12 placed in memory cache to serve as an answer to a subsequent query is a
13 predicted answer to that subsequent query. The claim does not limit or
14 specify the manner of making such a prediction, so caching an answer is
15 within the scope of providing a predicted answer.

The Board having found no patentable distinction to the manner in which claim 28 operated regarding the feature of a predicted answer, as claimed, Applicant has removed this feature. Applicant reserves its right to pursue this feature specifying the manner of making such a prediction, as required by the Board's reasoning.

Applicant has also removed the feature of a travel planning system in the preambles of claims 28 and 56.

The Board also held on page 5 of the decision, that:

24 We are also unpersuaded that claim 28 requires determining whether
25 some fields are approximate. Appeal Br. 13-14. Reply Br. 8-9. Claim 28

1 recites "determining whether at least some fields in the stored seat
2 availability query either match or are substantially close in characteristics to
3 corresponding fields in the user's seat availability query." Thus the
4 limitation clearly requires determining if some fields meet either condition.
5 The limitation does not require making a determination as to each condition
6 separately. The claim does not specify the manner or technique such
7 determination is performed. The Examiner found that Bailis determines
8 whether some fields match the corresponding query. This is within the
9 scope of the limitation at issue.

Applicant reserves it right to pursue the subject matter of claim 28 by specifying that the determination as to each condition is made separately.

The Board however found that Bailis does not describe approximate matching. Applicant has amended the claim to require determining by the one or more computer systems whether at least some fields in the stored seat availability query are substantially close in characteristics to corresponding fields in the received seat availability query, with determining including approximately matching the query fields in the received availability query to at least some of the query fields of a query stored in the cache database.

The Board held on page 6 of the decision, that:

18 As Bailis does not describe making queries based on approximate
19 matches, we are persuaded by the Appellants' arguments as to claim 33.
20 Also, as Bailis does not describe determining a threshold time based on
21 query factors or returning a confidence factor with query results, we are
22 persuaded that Bailis fails to describe claims 36 and 37, and claims 38-43
23 depending from claim 37. The Examiner is incorrect in finding that these
24 data are non-functional descriptive material because they are used, i.e. they
25 function, to determine whether data is stale and thus a new query is
26 performed.

The above amendment incorporates into claim 28 the feature of claim 33, which the Board found allowable over Bailis. Similar features have been incorporated into independent claims 56 and 71.

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Accordingly, claims 28-32, 34 – 48; 56-59, 61-70; and 71-73, 75-82 are now allowable over the prior art of record.

In view of the above, allowance of the application is requested.

No fee is due. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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